

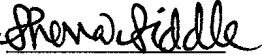
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

4017-03001

CERTIFICATE OF FILING

Pursuant to 37 C.F.R. §1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on May 10, 2010.



Sherra Siddle

Application Number

09/954,976

Filed

September 18, 2001

First Named Inventor

Surendra N. Naidoo

Art Unit

2621

Examiner

Tung T. Vo

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 47,412
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

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Telephone number

May 10, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.



*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REASONS FOR REQUESTING PRE-APPEAL BRIEF REVIEW

Claims 1, 3-24, 26-31, 47-52 and 57-61 are currently pending in the application and listed on pages 2-11 of the *Response to Office Action* filed by Applicants on December 2, 2009. In the *Final Office Action* dated March 9, 2010, the Patent Office maintained the rejections of all pending claims under 35 USC §103(a).

In particular, claims 1 and 3-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,442,241 B1 to Tsumpes et al. (hereinafter Tsumpes); claims 47-49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsumpes in view of U.S. Patent No. 6,504,479 to Lemons (hereinafter Lemons); claims 20-24, 26-31 and 50-52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lemons in view of Tsumpes and further in view of U.S. Patent No. 6,826,173 to Kung et al. (hereinafter Kung); claims 57-61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lemons in view of U.S. Patent No. 6,667,688 to Menard (hereinafter Menard); claims 20-24, 26-31, 47-52 and 57-61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,400,265 to Saylor (hereinafter Saylor) in view of Kung and further in view of Tsumpes.

Tsumpes generally discloses a notification system 10 comprising a controller 12 that detects changes in the status of various sensors 11 connected thereto (col. 4, lines 53-64). “The controller 12 communicates with a central monitoring station 13 through several alternate communication channels” (col. 4, lines 65-67). “The controller 12 is programmed to format the sensor signal into DTMF or DDP and select the appropriate communications network or channel on which to transmit, depending on which communication channel is installed or chosen and which sensor and the type of sensor that is triggered” (col. 5, lines 35-40). The *Final Office Action* indicates that *Tsumpes* teaches a wireless transceiver 19 and/or a radio frequency RF transceiver 20 to transmit the digital data packet DDP to the central monitoring station 13, and the Patent Office takes the position that this disclosure fairly suggests that networks 19, 20 are parallel and redundant for substantially simultaneously transmitting the DDP to the central monitoring station 13.

Lemons generally discloses an integrated security system 10 with first and second communication channels 36, 50 that are both connected between a facility 12 and a monitoring center 38. The first communication channel 36 is “primary”, and the second communication channel 50 is “backup” that is used only when the primary channel 36 “fails, is not available, or is interrupted.” Thus, *Lemons* teaches alternative channels 36, 50, each designed to transmit video and

audio alarm information from the facility 12 to the monitoring center 38. The Patent Office takes the position that it would be obvious to modify the automated, parallel and redundant system of *Tsumpes* into the system of *Lemons* to provide expeditious and efficient handling of time sensitive events and reduce response time in emergency situations.

Menard generally discloses an alarm system 10 that is operable to substantially simultaneously transmit alarm notifications along Path A to an end-user 30 and along Path B to a central station 20, as schematically depicted in Figure 1. The end-user 30 can then communicate directly with the central station 20 along Path C using a personal communication device 40 to either verify or cancel the alarm before an emergency agency is dispatched. Thus, *Menard* discloses a system having two communication Paths A, B along which an alarm condition may be simultaneously transmitted to two different destinations. The Patent Office takes the position that one of ordinary skill in the art would modify the first and second networks (Paths A, B) of *Menard* into the security system of *Lemons* for automatically transmitting notification of a detected alarm to the user.

Saylor generally discloses a security system 100 comprising control panels 120, 122, 124 that transmit alarm information from various types of security devices to a central security network 130, as schematically depicted in Figure 1 (col. 4, lines 18-28).

I. Improper Rejections – No Prima Facie Case of Obviousness

No *prima facie* case of obviousness has been established as to any of the pending claims at least because the references fail to teach or suggest all of the claimed limitations. In *KSR Int’l Co. v. Teleflex, Inc.*, the United States Supreme Court noted that an obviousness determination is based upon a “proper application of *Graham*,” which begins with a determination of whether the cited prior art contains all the elements of the contested claims. See *Graham v. John Deere Co. of Kansas City*, 383 U.S. at 22 (an obviousness determination begins with a finding that “the prior art as a whole in one form or another contains all” the elements of the claimed invention.). See *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741-42 (2007).

A. Rejections of Claims 1, 3-24, 26-31 and 47-52

Claim 1 recites that different alarm data is substantially simultaneously transferred between the security gateway and the security system server along each of two networks. In particular, claim 1 recites that a security system server is operatively coupled to a security gateway through first and second networks, that the security gateway is configured to transfer alarm information consisting

of an Alarm Video and a first notification of the alarm condition to the security system server in substantially real time through only the first network; that the security gateway is further configured to transfer to the security system server a second notification of the alarm condition through the second network substantially simultaneously with transferring the alarm information to the security system server through the first network; and that the security system server thereby receives the Alarm Video, the first notification of the alarm condition, and the second notification of the alarm condition from the security gateway. Thus, according to independent claim 1, different alarm data is substantially simultaneously transferred between the security gateway and the security system server through the first network and the second network, respectively. Namely, both a notification of the alarm condition and the Alarm Video are transferred through the first network, whereas only a notification of the alarm condition is transferred through the second network.

Similarly, claim 20 recites that the security gateway is configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video in substantially real time only through a second network; and that the security gateway is further configured to transfer to the security system server a second notification of the alarm condition through a third network substantially simultaneously with transferring the alarm information to the security system server through the second network; and that the security system server is configured to receive the Alarm Video through the second network, to receive the first notification of the alarm condition through the second network, and to receive the second notification of the alarm condition through the third network. Thus, according to independent claim 20, different alarm data is substantially simultaneously transferred between the security gateway and the security system server through the second network and the third network, respectively. Namely, both a notification of the alarm condition and the Alarm Video are transferred through the second network, whereas only a notification of the alarm condition is transferred through the third network.

Applicants respectfully submit that none of the cited references *Tsumpes*, *Lemons*, *Menard*, *Kung* and/or *Saylor*, either alone or in combination, teaches or suggests each and every element of independent claims 1 and 20 at least because none of these references teaches transferring Alarm Video associated with an alarm condition through only one of two networks substantially simultaneously with transferring alarm notifications of the alarm condition through

both of the two networks. The Patent Office relies on *Tsumpes* for disclosure of simultaneous transmission of alarm information over two networks. However, to the extent that *Tsumpes* discloses simultaneous transmission of alarm information via the wireless transceiver 19 and the radio frequency RF transceiver 20, it is the same digital data packet DDP transmitted through both transceivers 19, 20. Accordingly, *Tsumpes* neither teaches nor suggests simultaneously transmitting different alarm data through the two transceivers 19, 20 according to claims 1 and 20, and such a system would not be obvious in view of *Tsumpes*, alone or in combination with any of the other cited references. Accordingly, Applicants submit that claims 1, 3-24, 26-31 and 47-52 are in condition for allowance over the cited references of record.

B. Rejections of Claims 57-61

Claim 57 recites that the security gateway is configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video through a first network, the security gateway is configured to transfer to a monitoring center a second notification of the alarm condition without transferring the Alarm Video through a second network, and the monitoring center is configured to transfer to the security system server a third notification of the alarm condition. Thus, according to independent claim 57, the security gateway transfers both a notification of the alarm condition and the Alarm Video to the security system server, whereas the security gateway only transfers a notification of the alarm condition to the monitoring center, and the monitoring center only transfers a notification of the alarm condition to the security system server. Therefore, the security system server receives the Alarm Video and two notifications of the alarm condition, and the monitoring center both receives and transfers a notification of the alarm condition.

Applicants submit that none of the cited references *Tsumpes*, *Lemons*, *Menard*, *Kung* and/or *Saylor*, either alone or in combination, teaches or suggests each and every element of independent claim 57 at least because none of these references discloses a security gateway transferring both an Alarm Video and a first notification of an alarm condition to a security system server through a first network, the security gateway transferring a second notification of the alarm condition without the Alarm Video to a monitoring center through a second network, and the monitoring center transferring a third notification of the alarm condition to the security system server. Accordingly, Applicants submit that claims 57-61 are in condition for allowance over the cited references of record.

II. Preservation of Additional Grounds for Appeal

In an effort to simplify the issues for consideration by the panel, Applicants have focused this discussion on the scope of the independent claims. However, Applicants reserve the right to pursue additional grounds for appeal should the panel elect to uphold the rejections.

III. Summary


Applicants submit that the grounds for rejection are improper at least because the cited references fail to teach or suggest all of the claimed limitations. Consequently, the references fail to render the pending claims obvious as required by 35 USC § 103(a). Accordingly, Applicants respectfully request that the rejections be withdrawn and the pending claims be allowed.

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Respectfully submitted,

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